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SEP 25 2006

OFFICE OF PETITIONS

In re Application of
Hitt
Application No. 10/693,017
Filed: October 24, 2003
Attorney Docket No. DSI-P103
For: WIRELESS SENSOR PROBE

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ON PETITION

This is a decision on the petition filed June 6, 2006 under 37 CFR 1.137(b) to revive the above-identified application. The petition will be treated under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The Office contended that the above-identified application became abandoned for failure to timely reply to the Notice of Noncompliant Amendment, mailed November 17, 2004, which set a period for reply of one (1) month. Having received no reply, the Office considered the application abandoned on December 18, 2004. A Notice of Abandonment was mailed on June 3, 2005.

The Office received a request for withdrawal as attorney and change of correspondence address on August 4, 2004. On August 13, 2004, the Office mailed a Notice informing the prior attorneys of record that their power of attorney had been revoked. It is noted that there is no record in the application filed of the usual forms noting withdrawal of attorney being generated or mailed. Unfortunately, the Office did not promptly enter the change in address listed in the August 4, 2004 request for withdrawal as attorney and change of correspondence address. This error resulted in the November 17, 2004 Notice of Noncompliant Amendment being mailed to the previous correspondence address of record, rather than the correct correspondence address of record. The correct correspondence address was not entered into Office databases until November 16, 2005.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is withdrawn. The petition under 37 CFR 1.137(b) is dismissed as moot. The \$750.00 petition fee submitted with the instant petition will be refunded to petitioner's credit card.

There is no need to re-mail the Office action in question, as petitioner has submitted a response to it with the present petition.

After the mailing of this decision, the application will be forwarded to Technology Center AU 2856 for consideration of the amendment, filed on June 6, 2006.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions